

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE ORGANOGENESIS SECURITIES
LITIGATION

:
:
: Case No.: 1:04cv10027-JLT
:
:

LEAD PLAINTIFFS' UNOPPOSED MOTION
TO SERVE THIRD PARTY SUBPOENAS
DUCES TECUM AND AD TESTIFICANDUM

Pursuant to this Court's Discovery Order that "[n]o additional discovery shall take place without further order of the court", Lead Plaintiffs respectfully move this Court for leave to serve subpoenas *duces tecum*, upon the following persons and entities:

1. Neal B. Karelitz;
2. Moors & Cabot Inc.;
3. Jeff Kraws
4. Gruntal & Co. L.L.C.;
5. Fleet Bank; and
6. General Motors Acceptance Corporation
7. Steven B. Bernitz

Plaintiffs also seek leave to serve a subpoena *ad testificandum* upon Neal B. Karelitz immediately, and upon the persons listed above (or their agents) in the event that Plaintiffs determine, after service of the subpoenas *duces tecum*, that such depositions are warranted.

As grounds for this motion, Lead Plaintiffs state that Steven B. Bernitz was a President and CEO of Organogenesis during the Class Period. All of the other persons and entities are referred to in the Confidential Arcari Document, which Plaintiffs intend to attach as an exhibit to

the subpoenas, and therefore have information and documents relevant to disputed facts alleged with particularity in the pleadings. The Confidential Arcari Document was previously filed with the Court as an attachment to Plaintiffs' motion for leave to subpoena PricewaterhouseCoopers LLP and thus is not be attached again here.

WHEREFORE, Lead Plaintiffs respectfully request this Court grant leave for them to serve a subpoenas *duces tecum* and, as deemed appropriate by Plaintiffs, subpoenas *ad testificandum* upon Neal B. Karelitz, Moors & Cabot Inc., Jeff Kraws, Gruntal & Co. L.L.C., Fleet Bank, General Motors Acceptance Corporation and Steven B. Bernitz.

Dated: July 7, 2006

MOULTON & GANS, P.C.

By: /s/ Nancy Freeman Gans
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Lead Counsel for Plaintiffs and the Class

CERTIFICATION PURSUANT TO LOCAL RULES 7.1 AND 37.1

I, Nancy Freeman Gans, hereby certify that I conferred via telephone on July 7, 2006 with Jonathan A. Shapiro, Esquire, Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendants Donna Abelli Lopolito, Michael Sabolinski, Philip Laughlin, Albert Erani and Alan Ades, who, on behalf of all defendants assented to this motion.

/s/ Nancy Freeman Gans
Nancy Freeman Gans

CERTIFICATE OF SERVICE

I, Nancy Freeman Gans, hereby certify that a true copy of the above document was served upon the attorney of record for each party via ECF.

/s/ Nancy Freeman Gans
Nancy Freeman Gans